

Amendments to the Drawings:

The enclosed drawing sheet includes an amendment to FIG. 16. Reference number 1602 has been added.

Attachment: Replacement Sheet

Remarks/Arguments

A. Pending Claims

Claims 1, 4-6, 9-14, 16-21, 24-37, 39-42, 45-65, and 158-164 are pending in the case. Claims 2, 3, 7, 8, 15, 22, 23, 38, 43, and 44 have been cancelled. Claims 1, 4, 5, 13, 14, 17, 18, 24, 25, 39, 42, 46-54, 62, 64, and 65 have been amended. Claims 158-164 are new.

B. Drawings

The Examiner objected to Fig. 8 and Fig. 16 based on informalities. Applicant has amended Fig. 16 to include reference numbers 1602 and 1633. Applicant has amended the specification to add missing reference numbers relative to Figs. 8 and 16.

C. Specification

The Examiner objected to the specification based on informalities. Applicant has amended the specification to add reference number 807.

D. The Claims Are Not Anticipated by Torres Pursuant To 35 U.S.C. § 102(b)

The Examiner rejected claims 3-5, 7, 13-15, 20-21, 23-24, 28-31, 42-47, 50, and 53-65 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. Application No. 2005/0043961 to Torres et al. (herein after "Torres"). Applicant respectfully disagrees with these rejections.

The standard for "anticipation" is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v.*

Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Claim 1 has been amended to describe a combination of features, including but not limited to:

applying one or more business rules to the at least one request data element; wherein at least of the one business rules applies a loss type multiplier based on at least one loss type associated with the at least one request to determine a fraud potential indicator, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the at least one request

Support for the amendments to claim 1 can be found in Applicant's specification at least on page 22, lines 9-27 and page 28, line 4 to page 31, line 16. The cited art does not appear to teach or suggest at least these features of claim 1, in combination with the other features of the claim.

Regarding claim 22 (now cancelled), the Office Action states:

The invention disclosed by Torres et al. teaches a method where preset values are determined by business rules. A composite score may be defined by a user and applied to a dataset which can be equated to the multiplier value (paragraph [0021]), the loss value can be equated to the information illustrated in Figure 6 of Torres et al., and the similarity or matching function is shown in Figure 1 of Torres.
(Office Action, page 16)

Torres states:

The step of verifying and classifying may further comprise verifying each transaction dataset identity by assigning a composite score to each transaction dataset and classifying each transaction dataset by assigning each dataset to the predetermined categories according to each dataset composite score. The composite score assigned to each transaction dataset may be determined by combining one or more analytical scores based on a comparison between each transaction dataset and one or more similar datasets located in disparate databases. The means for determining the one or more analytical scores may be selected from the group consisting of a similarity search engine, a biometric analytic, a rules engine, and a neural net.
(Torres, Paragraph 0021)

Torres discloses assigning a composite score to each transaction dataset and classifying each transaction dataset by assigning each dataset to predetermined categories according to each dataset composite score. The composite score is determined by combining one or more analytical scores based on a comparison between each transaction dataset and one or more similar datasets. Torres does not appear to have a Fig. 6. Figs. 6A and 6B of Torres are flow charts showing process for insurance claim processing for fraud detection. None of Fig. 6A, 6B, and paragraph 0021 of Torres appears to teach or suggest a loss type multiplier. In any event, Torres does not appear to teach or suggest applying one or more business rules to the at least one request data element; wherein at least of the one business rules applies a loss type multiplier based on at least one loss type associated with the at least one request to determine a fraud potential indicator, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the at least one request, in combination with the other features of claim 1.

For at least the reasons stated above, Applicant submits that claim 1 is allowable over the cited art. Applicant respectfully requests removal of the rejections of claim 1 and the claims dependent thereon.

Amended claim 42 describes a combination of features, including but not limited to:
apply one or more business rules to the at least one request data element; wherein at least of the one business rules applies a loss type multiplier based on at least one loss type associated with the at least one request to determine a fraud potential indicator, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the at least one request

For reasons similar to those set forth above with respect to claim 1, Applicant submits that the cited art does teach or suggest at least this feature of claim 42, in combination with the other features of the claim.

Amended claim 48 describes a combination of features, including but not limited to:

applying one or more business rules to the at least one request data element; wherein at least one of the one business rules applies a loss type multiplier based on at least one loss type associated with the at least one request to determine a fraud potential indicator, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the at least one request

For reasons similar to those set forth above with respect to claim 1, Applicant submits that the cited art does teach or suggest at least this feature of claim 48, in combination with the other features of the claim.

Applicant submits that many of the claims dependent on claims 1, 42, and 48 are separately patentable. For example, claim 29 recites: “wherein at least one business rule compares a date of report of a loss and a date of the loss.”

Claim 30 recites: “wherein at least one business rule compares a date of a reported loss and a date of inception of an insurance policy.”

Claim 31 recites: “wherein at least one business rule compares a date of a reported loss and a date of expiration of an insurance policy.”

Claim 32 recites: “wherein at least one business rule assesses a probability of fraud in the at least one request based on an injury type.”

Claim 33 recites: “wherein at least one business rule assesses a probability of fraud in the at least one request based on a loss type.”

Claim 34 recites: “wherein at least one business rule assesses a probability of fraud in the at least one request based on an existence of a police report.”

Claim 35 recites: “wherein at least one business rule assesses a probability of fraud in the at least one request based on who reported the at least one request.”

Claim 36 recites: “wherein at least one business rule assesses a probability of fraud in the at least one request based on the number of vehicles involved.”

Claim 37 recites: “wherein at least one business rule assesses a probability of fraud in the at least one request based on time difference between the date of a check and the date the check is cashed.”

The cited art does not appear to teach or suggest at least the above-quoted features of Applicant’s claims, in combination with the other features of the claims. The Examiner states:

Torres does not explicitly state the business rules listed in claims 28-38, however, the business rules can be adapted or modified to compare or assess the rules claimed. The business rules are known in the art to the operation, definition, or rule of a business, therefore assessing the probability of fraud by applying a business rule utilizes the same function in regard to the application of the rule (i.e. suspicious relationship between claimant and physician). Therefore, it would have been obvious to replace one rule with another to achieve the same result (assessment of the probability of fraud.).

The Examiner acknowledges that Torres does not explicitly state the business rules listed in claims 28-37. The Examiner states that business rules “can be” adapted or modified to compare or assess the rules claimed. The Examiner appears to rely on facts within the personal knowledge of the Examiner. Pursuant to MPEP §2144.03, Applicant respectfully requests the Examiner provide support for her assertion either by affidavit or by references brought to the Applicant’s attention, or that the rejection be removed.

E. Claims Are Not Obvious Over Torres And In View of Pendelton Pursuant To 35 U.S.C. § 103(a)

The Examiner rejected claims 3-5, 7, 13-15, 20-21, 23-24, 28-31, 42-47, 50, and 53-65 under 35 U.S.C. 103(a) as obvious over Torres and further in view of U.S. Patent No. 6,253,186 to Pendelton Jr. ("Pendelton"). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Amended claim 54 describes a combination of features, including but not limited to:

applying one or more business rules to at least one request relating to one or more of a plurality of insurance claims; wherein at least of the one business rules applies a loss type multiplier based on at least one loss type associated with the at least one request to determine a fraud potential indicator, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the at least one request

For reasons similar to those set forth above with respect to claim 1, Applicant submits that the cited art does teach or suggest at least this feature of claim 54, in combination with the other features of the claim.

Amended claim 62 describes a combination of features, including but not limited to:

apply one or more business rules to at least one request; wherein at least of the one business rules applies a loss type multiplier based on at least one loss type associated with the at least one request to determine a fraud potential indicator, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the at least one request

For reasons similar to those set forth above with respect to claim 1, Applicant submits that

the cited art does teach or suggest at least this feature of claim 62, in combination with the other features of the claim.

Amended claim 64 describes a combination of features, including but not limited to:

applying one or more business rules to at least one request relating to one or more of a plurality of insurance claims; wherein at least of the one business rules applies a loss type multiplier based on at least one loss type associated with the at least one request to determine a fraud potential indicator, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the at least one request

For reasons similar to those set forth above with respect to claim 1, Applicant submits that the cited art does teach or suggest at least this feature of claim 64, in combination with the other features of the claim.

F. New Claims

New claim 158 recites: “wherein the value of the loss type multiplier is larger for requests that are unusual or difficult to verify.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 159 recites: “wherein the loss type multiplier comprises the sum of loss type multipliers for two or more loss types associated with the at least one request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 160 recites: “herein the loss type multiplier comprises at the least negative value, wherein the negative value is associated with a contra-indication of fraud for a loss type associated with the at least one request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 161 recites: “applying at least one loss type multiplier comprises multiplying at least one loss type value by a number of matches for the request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 162 recites: “applying one or more business rules to the at least one request data element; wherein at least of the one business rules applies an injury type multiplier based on at least one injury type associated with the at least one request to determine a fraud potential indicator, wherein the value of the injury type multiplier depends on a tendency for fraud associated with at least one injury type associated with the at least one request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 163 recites: “wherein the injury type multiplier comprises the sum of injury type multipliers for two or more injury types associated with the at least one request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 164 recites: “wherein the injury type multiplier comprises at least one negative value, wherein the negative value is associated with a contra-indication of fraud for an injury type associated with the at least one request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

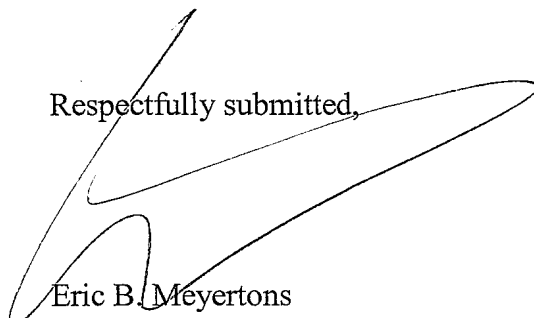
G. Additional Remarks

Applicant submits that all claims are in condition for allowance. Favorable consideration

is respectfully requested.

It is believed that no fees are required in connection with the filing of this document. If an extension of time is needed, Applicant requests the appropriate extension of time. If any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert, and Goetzel Deposit Account No. 50-1505/5053-64000/EBM.

Respectfully submitted,



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